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OFFICE OF PETITIONS

In re Application of :
Vassilovski, et al. :
Application No. 09/698,526 :
Filed: April 18, 2000 :
Attorney Docket No. 990301 :
For: METHOD AND APPARATUS FOR
CONFIGURATION MANAGEMENT FOR A
COMPUTING DEVICE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on April 21, 2006 to revive the above-identified application.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned for failure to timely respond to the final Office action mailed January 14, 2004, which set an extendable three month period for reply. On certificate of mailing date May 27, 2004, applicants obtained a two month extension of time. However, all after final amendments (filed April 12, 2004 and May 27, 2004) filed to place the application in condition for allowance. Accordingly, this application became abandoned on June 15, 2004. A Notice of Abandonment was mailed on March 22, 2005. On September 17, 2004, petitioners filed a petition under 37 CFR 1.181 to withdraw the holding of abandonment. This petition was dismissed on March 24, 2006.

Petitioners have followed the advice found in the March 24, 2006 decision on petition and request that all papers of record from April 5, 2005 through December 28, 2005 be re-entered and reinstated to continue prosecution from that point. The Petition to Withdraw the Holding of Abandonment will not be considered again.

Applicants submitted an RCE on April 5, 2005, authorization to charge the required fee to deposit account no. 17-0026, and an amendment dated December 28, 2005 in reply to the January 14, 2004 final Office action.

The statement of unintentional delay presented in the petition does not comply with the current rule. 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for

the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." If this is an incorrect interpretation in view of the rules, petitioners are required to provide a statement to that effect.

Regarding finances, petitioners have filed a \$1,500.00 petition fee. Pursuant to petitioners' authorization, deposit account no. 17-0026 will be charged a \$790.00 Request for Continued Examination fee.

The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 2193 for consideration of the RCE and amendment filed on December 28, 2005.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.



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Office of Petitions